

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRYAN E. SAYLOR, #BH-1349,
Plaintiff,
vs.
ALLISON, et al.,
Defendants.

No. 1:21-cv-01282-NONE-GSA-PC

SECOND AMENDED ORDER

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART

(Doc. No. 8.)

ORDER REVOKING PLAINTIFF'S *IN
FORMA PAUPERIS* STATUS

ORDER VACATING ORDER GRANTING
MOTION TO PROCEED *IN FORMA
PAUPERIS*

(Doc. No. 5.)

ORDER REQUIRING PLAINTIFF TO PAY
THE \$392.75 BALANCE OF THE FILING
FEE OWED FOR THIS CASE IN FULL
WITHIN THIRTY DAYS

ORDER DIRECTING CLERK TO SERVE A
COPY OF THIS ORDER ON:

(1) THE DIRECTOR OF THE CDCR AND

(2) THE COURT'S FINANCIAL DEPT

Bryan E. Saylor ("Plaintiff"), CDCR #BH-1349, is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. §1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

On September 29, 2021, the assigned magistrate judge issued findings and recommendations, recommending that Plaintiff's *in forma pauperis* status be revoked, the court's order granting plaintiff's motion to proceed *in forma pauperis* be vacated, and plaintiff be required to pay the \$402.00 filing fee in full for this action within thirty days. (Doc. No. 8.) On October 5, 2021, plaintiff filed objections to the findings and recommendations, but therein appears to concede that he must pay the fee. (Doc. No. 9.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections (Doc. No. 9), the court finds the findings and recommendations to be supported by the record and by proper analysis. However, it has come to the court's attention that plaintiff now owes the balance of \$392.75 of the filing fee for this case, due to a \$9.25 payment received in September 2021. (court's financial record). Therefore, the findings and recommendations shall be adopted in part.

Accordingly,

1. The findings and recommendations (Doc. No. 8), issued on September 27, 2021, are adopted in part;
2. Plaintiff's *in forma pauperis* status is revoked;
3. The court's order (Doc. No. 5) granting plaintiff's motion to proceed *in forma pauperis*, issued on August 24, 2021, is vacated;
4. Plaintiff is required to pay the \$392.75 balance owed for the filing fee for this action in full within thirty days of the date of service of this order;
5. The Clerk of the Court is directed to serve a copy of this order on the Director of the California Department of Corrections and Rehabilitation, via the court's electronic case filing system (CM/ECF);
6. The Clerk of the Court is directed to serve a copy of this order on the Financial Department, U.S. District Court, Eastern District of California; and

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7. Plaintiff's failure to comply with this order shall result in a recommendation that this case be dismissed.

IT IS SO ORDERED.

Dated: November 4, 2021


UNITED STATES DISTRICT JUDGE